

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ROSEVILLE JOINT UNION HIGH
SCHOOL DISTRICT .

OAH Case No. 2015040109

ORDER GRANTING REQUEST TO
CONTINUE PREHEARING
CONFERENCE ONLY

On May 28, 2015, the parties filed a joint request to continue the prehearing conference in this matter currently scheduled for Monday, June 1, 2015. They assert that an agreement in principle has been reached and they request the prehearing conference be continued to Friday, June 5, 2015, at 1:00 p.m. to give them time to execute the final settlement agreement and avoid unnecessary legal fees preparing for the prehearing conference.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request to continue the prehearing conference only is granted.

ORDER

1. Prehearing conference scheduled for Monday, June 1, 2015 is continued to Friday, June 5, 2015, at 1:00 p.m..
2. All other dates are to remain on calendar.

IT IS SO ORDERED.

DATE: May 28, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings